

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: February 9, 2016

FILE NO: 7602

PROPERTY: 3120 Collins Avenue

APPLICANT: Atlantic Princess Condominium
Association, Inc.

LEGAL: Lots 4, 5, 6, 9, 11, 12 and the North ½ of Lot 3, Block 16, of the Amended Plat of the Ocean Front Property of the Miami Beach Improvement Company, According to the Plat Thereof, as Recorded in Plat Book 5, Page 7, of the Public Records of Miami-Dade County, Florida.

IN RE: The application for a Certificate of Appropriateness for the partial demolition, restoration and renovation of the existing 8-story and two 2-story 'Contributing' structures, and the construction of two 1-story attached ground level additions, a 1-story detached ground level addition and a new stair enclosure, including variances to reduce the required south side yard pedestal and south tower setbacks for a stair enclosure, stairwell bulkhead and exhaust enclosure, to reduce the required side yard facing a street setback for a trash room enclosure, to reduce the required front yard setback on Indian Creek Drive for a driveway, to reduce the required side setbacks for a pool and pool deck, and a variance from the minimum required hotel unit size.

ORDER

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Certificate of Appropriateness

A. The subject site is located within the Collins Waterfront Local Historic District.



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- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
1. Is not consistent with the Certificate of Appropriateness Criteria 'a' in Section 118-564(a)(1) of the Miami Beach Code.
 2. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'd', 'f' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
 3. Is not consistent with Certificate of Appropriateness Criteria 'a', 'b', 'c', 'd', 'e', 'g', 'h', 'j' & 'o' in Section 118-564(a)(3) of the Miami Beach Code.
 4. Is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.
- C. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The lobby of the Rendale Hotel shall be restored to the greatest extent possible, consistent with available historical documentation. Lighting fixtures and permanent wall coverings, including wallpaper, located within the original lobby, shall be consistent with Art Deco style of architecture, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The ground floor windows of the Rendale Hotel shall be replaced with new impact resistant windows with a muntin configuration that is consistent with historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. All windows on the 2-story house and 2-story garage shall be replaced with new single-hung impact resistant windows with a muntin configuration that is consistent with historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. All existing through-the-wall or through-the window air conditioning units shall be removed along the east elevation of the Rendale Hotel and along all elevations of

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the 2-story house and the 2-story garage; new central systems shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

- e. The balconette located on the west elevation of the 2-story home shall be recreated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- f. The existing pool equipment room and storage room structures along the north property line shall be removed; any new trash room structure shall be setback a minimum of 2'-6" from the north property line.
- g. Final design and details of the proposed 1-story additions shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- h. Final design and details of the proposed trellis structure located to the north of the 2-story garage building shall be provided and the structure of the trellis shall be reduced to the greatest extent possible, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- i. The existing garage door openings located on the north elevation of the 2-story garage structure shall be maintained including the rounded corbel corner details, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- j. The original third garage door opening of the 2-story garage structure shall be reintroduced or a 1" blind recess shall be provided in the location of the original door opening, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- k. The pedestrian gate which was located along the west property line shall be recreated consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- l. The vehicular gate which was located along the north property line leading to the garage shall be recreated consistent with available historical documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- m. The driveway within the required front yard of the 2-story house along Indian Creek Drive shall have a maximum width of 12'-0", in a manner to be reviewed

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- and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- n. The five decorative metal railings which were located within the window openings of five windows at the southeast corner of the ground level of the Rendale Hotel shall be recreated, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - o. Final details of all exterior surface finishes and materials, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - p. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. Additional landscaping shall be provided within the front yard of the 2-story house, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - b. The pervious pavers shall not be approved. Additional landscaping shall be provided, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - c. Any existing hedge material located within the front yard and/or Public ROW shall be removed, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
 - d. With the exception of individual plants provided for accent, all understory plant material provided within the front yard facing the public ROW shall naturally not exceed 24" in height at maturity and shall not require periodic pruning in order to maintain such height, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.



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- e. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow prevention devices. Backflow prevention devices shall not be permitted within any required yard or any area fronting a street or sidewalk, unless otherwise permitted by the Land Development Regulations. The location of all backflow prevention devices, and how they are screened from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all post-indicator valves (PIV), fire department connections (FDC) and all other related devices and fixtures, which shall be clearly indicated on the site and landscape plans.
- f. The utilization of root barriers and/or Silva Cells, as applicable, shall be clearly delineated on the final revised landscape plan.
- g. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variance(s) which were either approved by the Board with modifications, or denied (Underlying denotes new language and ~~strikethrough~~ denotes stricken language):
 1. A variance to reduce all required pedestal interior side setback of 8'-0" in order to construct walls enclosing an existing stair and to construct a new kitchen exhaust duct up to the south property line and up to 50'-0" in height.
 2. A variance to reduce all required tower interior side setback of 11'-6" in order to construct walls enclosing an existing stair including the bulkhead and to construct a new kitchen exhaust duct up to the south property line and up to 84'-10" in height.
 3. A variance to reduce by 5'-6" ~~all the~~ required pedestal sum of the side setbacks of 16'-0" in order to construct a trash room on the north side at 2'-6" ~~from up-to~~ the property line and a sum of the side setbacks of 2'-6" ~~zero~~.
 4. A variance to reduce by a range from 15'-0" to 4'-10" the required front setback of 20'-0" for parking in order to construct a driveway at a setback ranging from 5'-0" to 15'-2" from the front property line facing Indian Creek Drive.
 5. A variance to reduce by 1'-6" the minimum required side setback of 7'-6" from the interior side property line to the pool deck, in order to reconstruct the existing pool deck at a minimum of 3'-3" from the North property line.

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6. A variance to reduce by 1'-6" the minimum required side setback of 9'-0" from the interior side property line to the water's edge of a pool, in order to retain the existing pool's retaining walls at 7'-3" from the South property line.
 7. A variance to reduce the required minimum hotel unit size for reconfigured units within a Historic structure: 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f. or larger, in order to reconstruct 5 hotel units at less than 300 s.f. (the smallest at 200 s.f., 45.4% of units), 3 hotel units between 300 s.f. and 335 s.f. (the smallest at 324 s.f., 27.3% of the units) and 3 hotel units exceeding 335 s.f. (the smallest at 360 s.f., 27.3%) all within the building at 3127 Indian Creek Drive.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

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That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

- C. The Board hereby grants the requested variance(s) and imposes the following condition based on its authority in Section 118-354 of the Miami Beach City Code:
1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.
 3. Revised detailed site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
 - a. The proposed trash room shall be redesigned with access solely from the east, west, or south side, with a minimum street side setback of 2'-6", subject to the review and approval of staff.
 - b. Walkways on the required side yards shall not exceed 44" in width.
 - c. Pavement within the side yard facing a street shall not project more than 25% of the required yard.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- B. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- C. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to

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be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

- D. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- G. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans "3120 Collins Ave. – Miami Beach" as prepared by STA Architectural Group, dated December 17, 2015, as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

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The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this Order shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this 11th day of February, 2016

HISTORIC PRESERVATION BOARD
 THE CITY OF MIAMI BEACH, FLORIDA

BY: 
 DEBORAH TACKETT
 PRESERVATION AND DESIGN MANAGER
 FOR THE CHAIR

STATE OF FLORIDA)
)SS
 COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 11th day of February, 2016, by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.



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NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: 07-26-2017

Approved As To Form:
City Attorney's Office: *[Signature]* (2/9/2016)

Filed with the Clerk of the Historic Preservation Board on *[Signature]* (2-11-16)

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